

## SELF-CALENDARING PROCEDURE FOR THE HONORABLE VICTORIA S. KAUFMAN

The self- calendaring system is designed to allow counsel and parties to obtain and schedule dates for hearing matters on regular notice without having to contact a calendar clerk. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(g). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

### **I. Matters that may be self-calendared on regular notice.<sup>1</sup>**

Parties may select their own hearing dates if the matter to be heard will not take more than 15 minutes and the matter falls within one of the following categories:

- A. Motions for Relief from Stay;
- B. Motions to Extend the Automatic Stay under 11 U.S.C. § 362(c)(3)(B);
- C. Motions to Impose the Automatic Stay under 11 U.S.C. § 362(c)(4)(B);
- D. Motions to Confirm that No Automatic Stay is in Effect under 11 U.S.C. § 362(c)(4)(A)(ii);
- E. Motions to Confirm that the Automatic Stay has been Terminated under 11 U.S.C. § 362(j);
- F. Trustee's Motions under 11 U.S.C. § 362(h)(2);
- G. Motions to Convert or Dismiss under 11 U.S.C. § 1112;
- H. Disclosure Statements;
- I. Objections to Claims (10 or less);
- J. Fee Applications in chapter 7 and chapter 11 cases (not to exceed three in a single case);
- K. Employment Applications; or
- L. Any motion in a chapter 7, 11 or 13 case or an adversary proceeding not identified in section II below as being ineligible for self-calendaring.

### **II. Matters that may be self-calendared on shortened notice.**

Parties may select their own hearing dates on shortened notice if the matter to be heard will not take more than 15 minutes, they follow the procedure detailed below and the matter falls within one of the following categories:

- A. Matters relating to motions for relief from automatic stay involving:
  - 1. Residential unlawful detainer actions;
  - 2. *Post*-petition transfers of real property to the debtor; or
  - 3. *Pre*-petition transfers to the debtor--
    - a. Either within 90 days of the debtor's petition date, or

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<sup>1</sup> All statutory references to Title 11 pertain to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 which applies to all cases filed on or after October 17, 2005. For cases filed prior to October 17, 2005, please refer to the old Bankruptcy Code.

- b. Involving a fractionalized interest in real property.
- B. Motions Imposing an Automatic Stay or Continuing the Stay Under 11 U.S.C. § 362(c).

These matters may be calendared on shortened time without prior Court approval in accordance with this procedure, provided, however, that:

- (1) the motion is filed with the Court and served on all parties entitled to receive notice of the motion by such means so as to ensure that the moving papers and notice of hearing are actually received not later than five (5) court days prior to the date of the hearing;
- (2) telephonic notice of the date, time and place of the hearing on the motion must be given to the debtor(s), his/her/its/their counsel, any affected secured creditors (including any such creditors which the movant contends are unsecured pursuant to 11 U.S.C. § 506(a)) and the chapter 7 or 13 trustee, not later than five (5) court days prior to the hearing on the motion;
- (3) any motion filed pursuant to this rule shall indicate that a written response must be served and filed with the Court not later than one court day before the hearing;
- (4) the movant's proof of service must be filed no later than two court days before the hearing; and
- (5) for a Motion Continuing the Automatic Stay Under 11 U.S.C. § 362(c)(3)(B), the motion must be served within 10 days of the debtor's petition date.

**PLEASE NOTE:** for a motion for relief from automatic stay involving a transfer of property to the debtor [II.A.2 or 3., above], **in order to obtain extraordinary relief under 11 U.S.C. § 362(d)(4)**, the original borrower under the promissory note at issue and any other parties holding title to the transferred property must timely receive the moving papers and notice of the hearing.

### III. Matters that may NOT be self calendared:<sup>2</sup>

- A. Applications for Orders Shortening Time;
- B. Matters to be heard on shortened notice or on an ex parte basis;
- C. Emergency motions (including motions arising under any general order that may be approved for application in chapter 11 cases);
- D. Motions subject to Local Bankruptcy Rule 9020-1 (*i.e.*, regarding contempt proceedings);
- E. Initial status conferences in adversary proceedings;
- F. Clusters of related matters that would ordinarily be set for different hearing times;
- G. Mass Objections to Claims (more than 10 objections set for a single hearing);
- H. Motions for Authority to Use/Restrict Use of Cash Collateral;
- I. Motions for Reconsideration;
- J. Motions for Summary Judgment;
- K. Pre-trial conferences;
- L. Reaffirmation Agreements;
- M. Lessor's objection(s) under 11 U.S.C. § 362(l)(3) to any Certification Filed by the Debtor under 11 U.S.C. §§ 362(l)(1) and/or 362(l)(2);

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<sup>2</sup> For more information concerning procedures for obtaining hearings on any matter on this list, please contact Judge Kaufman's Courtroom Deputy at (213) 894-7341.

- N. Debtor's objection to Lessor's Certification under 11 U.S.C. § 362(m)(2)(B); or
- O. Any motion or matter that will take **more than 15 minutes**.

#### IV. Impact of Electronic Filing on Self-Calendaring Procedure.

Pleadings for a matter that is eligible for self-calendaring (as well as other pleadings) may be filed through the Court's CM/ECF system. However, **in order to maintain any hearing date which the party has selected for that matter in accordance with the self-calendaring system**, the party must deliver to the Intake area of the Court's Los Angeles division (the "Intake Area") a paper copy of the pleadings ("Chamber's Copy") in accordance with the Local Bankruptcy Rules. If a Local Bankruptcy Rule provides that a Chamber's Copy regarding such a matter also is to be delivered directly to chambers, the party also must immediately deliver a Chamber's Copy to the courtesy copy box placed next to the door leading to Judge Kaufman's chambers, located at Suite 1682, 255 E. Temple St., Los Angeles, California 90012.

Any Chamber's Copy of a document that was filed using the Court's CM/ECF system must: (i) conform to the requirements set forth in Local Bankruptcy Rule 1002-1, including, but not limited to, the numbering of exhibits, as set forth in Local Bankruptcy Rule 1002-1(f); (ii) be accompanied by a copy of the CM/ECF receipt (also referred to as the NEF, Notice of Electronic Filing) confirming the filing of the original document through the Court's CM/ECF system; and (iii) be marked "Chamber's Copy." **If all required Chamber's Copies are not properly formatted or are not timely delivered to, and received by, the Intake Area and Judge Kaufman's chambers, a matter may NOT go forward on the hearing date that has been selected using the self-calendaring procedure. In addition, if any party does not comply with her/his/its obligations under the Local Bankruptcy Rules regarding the format and delivery of a Chamber's Copy, that party may be sanctioned by the Court.**

#### V. Procedures for Self Calendaring.

For matters that may be self-calendared, please follow the steps outlined below:

**STEP 1:** Identify available dates and times for the type of matter that you want to calendar by referring to the monthly calendars posted in the hallway adjacent to the courtroom or on the Court's website ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) or by calling the Bankruptcy Court's general information number at (213) 894-3118 and selecting the menu options necessary to direct you to the calendaring information for Judge Kaufman.

**PLEASE NOTE that calendar dates are subject to periodic revisions.**

Accordingly, verify that you are referring to a *current version* of Judge Kaufman's monthly calendar.

**STEP 2:** You are required to prepare a notice of hearing for the date and time that you have selected. If your motion is for relief from stay, you must provide notice in accordance with the Official Form (series 4001) set forth under Local Bankruptcy Rule 1002-1(d)(9).

**PLEASE NOTE the following:**

By choosing a date for a relief from stay hearing that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 362(e).

By choosing a date for a hearing on a motion to dismiss or convert under 11 U.S.C. § 1112 that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 1112(b)(3).

By failing to provide timely a Chamber's Copy regarding an electronically filed motion for relief from stay or a motion to dismiss or convert under 11 U.S.C. § 1112, you are deemed to have waived the time limits of 11 U.S.C. § 362(e) or 11 U.S.C. § 1112(b)(3), as applicable.

**STEP 3:** Provide sufficient notice to all parties entitled to receive such notice pursuant to applicable provisions of the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure. Schedule hearing dates accordingly. Moving parties may refer to Local Bankruptcy Rule 9013-1(a)(6) regarding service of the notice of the hearing and Local Bankruptcy Rule 9013-1(a)(13) regarding evidence supporting the motion.

**STEP 4:** File and serve your moving papers timely. Refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines. If proof of service is insufficient, the moving party's motion may be continued or denied. Be sure to deliver a Chamber's Copy of all papers to Judge Kaufman's chambers with the time and date of the scheduled hearing placed underneath the title of the pleading.

**STEP 5:** If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the Court's Courtroom Deputy will contact you to arrange an alternate date. **The Court reserves the right to reschedule any hearing.** Prior to the date of any scheduled hearing, you will be notified if your hearing has been re-set.

**Available Hearing Dates for Self-Calendaring Procedure**  
**Judge Victoria S. Kaufman**  
**Courtroom 1675**

If you anticipate that your matter will exceed 15 minutes of Court time, or your matter otherwise is ineligible for self-calendaring, you must contact Judge Kaufman's Courtroom Deputy at (213) 894-7341 in order to obtain a hearing date and time that is appropriate for such a matter.

**(All dates are subject to change due to the Court's availability)**

**Motions for Relief from the Automatic Stay in Chapter 7, 11 and 13 cases**

All such hearings shall be set for 2:00 p.m. on the following Tuesdays:

September	9 and 23
October	14 and 28
November	4 and 25
December	9 and 23

**Motions, Applications and Objections to Claims in Chapter 7 cases (except in Adversary Proceedings) not exceeding 15 minutes**

All such hearings shall be set for 3:00 p.m. on the following Tuesdays:

September	9 and 23
October	14 and 28
November	4 and 25
December	9 and 23

**Motions, Applications and Objections to Claims in Chapter 13 cases (except in Adversary Proceedings) not exceeding 15 minutes**

All such hearings shall be set for 3:00 p.m. on the following Wednesdays:

September	3 and 17
October	22
November	5 and 19
December	3 and 17

**Motions, Applications and Objections to Claims in Chapter 11 cases (except in Adversary Proceedings) not exceeding 15 minutes**

All such hearings shall be set for 10:30 a.m. on the following Thursdays:

September	24 <u>Wednesday</u>
October	23
November	17 <u>Monday</u>
December	11

**Motions in Adversary Proceedings not exceeding 15 minutes**

All such hearings shall be set for 1:30 p.m. on the following Thursdays:

October	2
November	13
December	18